



# PLN230127

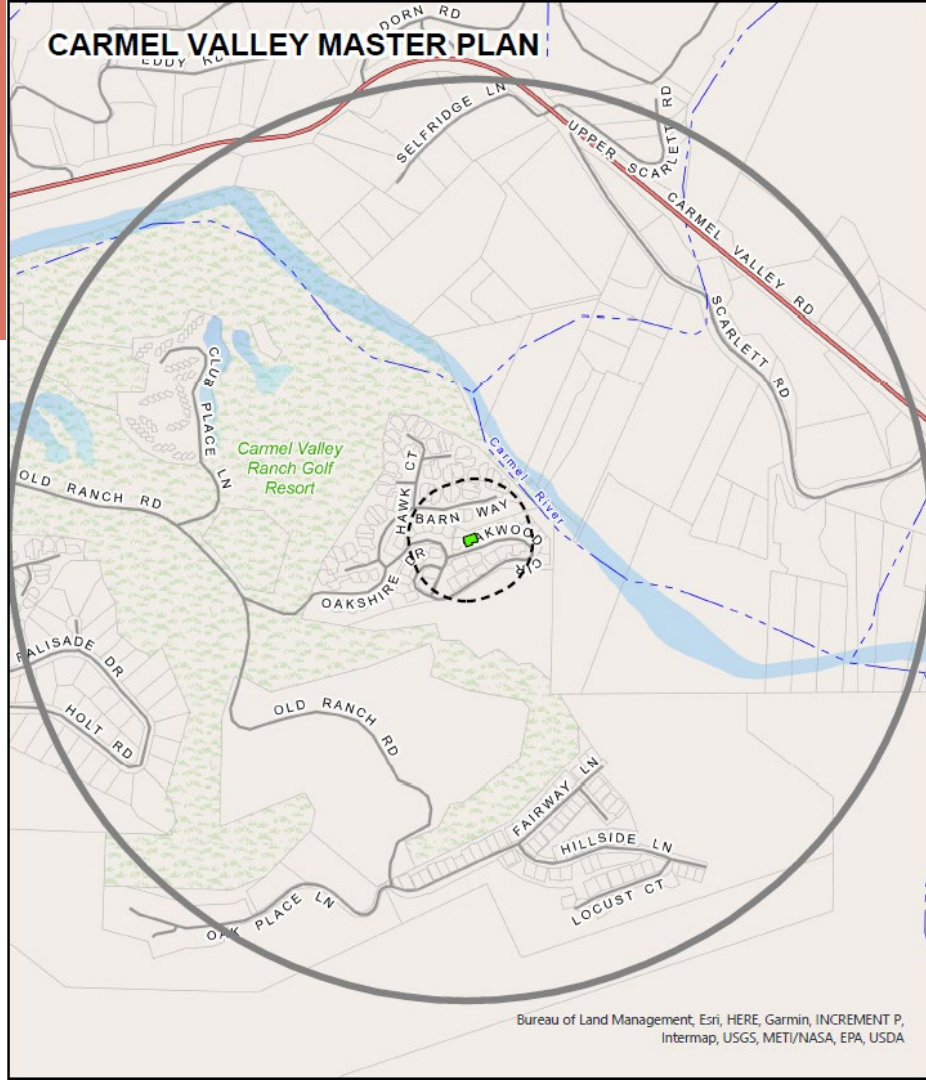
# McDougall Amy E.

Board of Supervisors

April 15, 2025

Item 35

# CARMEL VALLEY MASTER PLAN



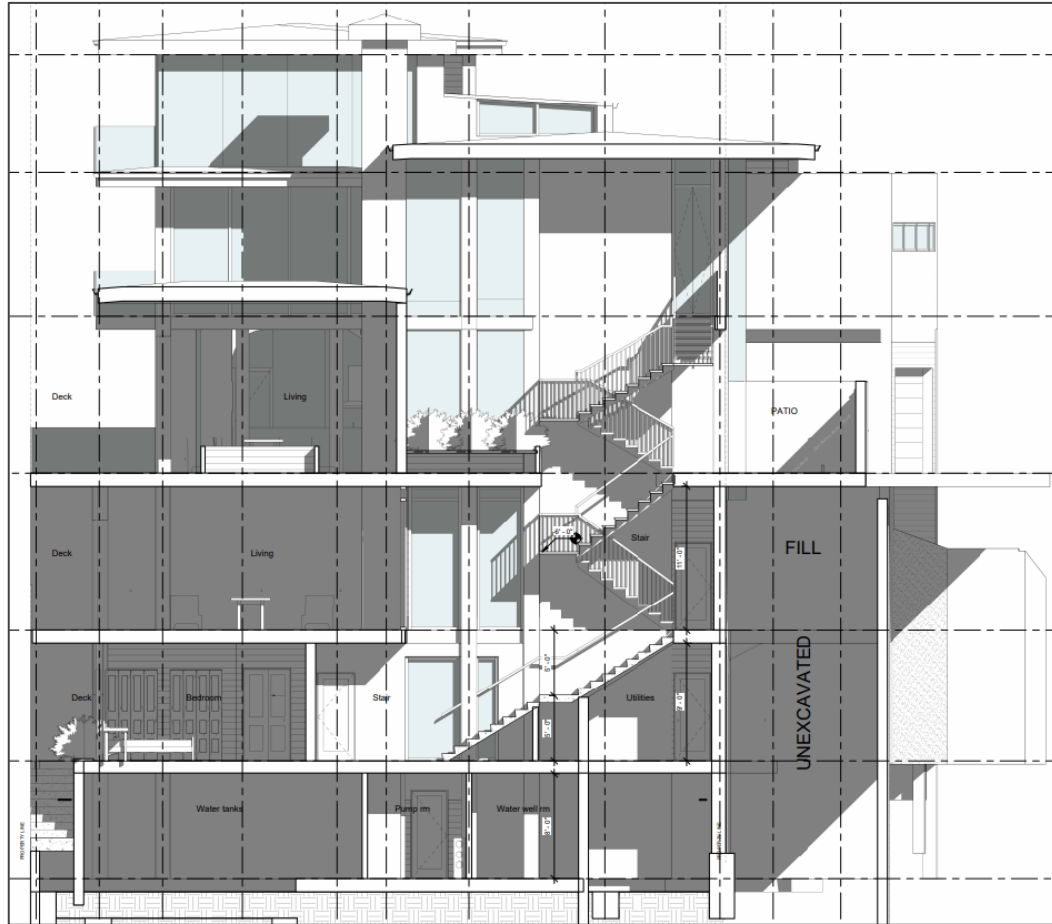
## Project Location:

10196 Oakwood Circle, Carmel, Carmel Valley Master Plan.

## Zoning:

MDR/5-D-S-RAZ

# Proposed Project



Combined Development Permit:

- Construction of a six-story single family dwelling;
- Attached (internal) ADU;
- Attached (internal) JADU;
- Removal of up to 7 trees;
- Drilling an on-site well;
- Development on slopes in excess of 25%; and
- Reduction of setbacks and increase in height without Variances.

# Appeal


- December 11, 2024 – Planning Commission denied PLN230137
- Appeal contentions:
  - Improperly determined the project was not subject to the Builders Remedy
  - Failed to make the necessary public health and safety findings;
  - Not required to declare that the project was affordable;
  - Inclusionary Housing Ordinance does not apply to the project;
  - Project was deemed compliant as a matter of law on July 13, 2024;
  - Decision violated the Housing Accountability Act;
  - The Planning Commission incorrectly interpreted “Natural Grade”;
  - Hearing was impartial and not fair;
  - Denial was not supported by evidence and disregarded the Applicant’s arborist report



# Project Affordability

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Project is located within 100 feet of seasonal or permanent drainage, lake, marsh, ocean, pond, slough, stream, wetlands. If "yes", describe
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does the project include cultivation of land that is currently not cultivated?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does the project propose non-agricultural uses adjacent to agricultural uses?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is the project located within the winery corridor?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Would any portion of the proposed development be visible from a public road, designated vista point, or public park?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does the project propose or require affordable housing?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is the project located within a Special Treatment Area?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is the project located within a Study Area?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Project involves or includes an existing or proposed trail or easement.

I, the undersigned, have authority to submit application for a permit on the subject property. I have completed this questionnaire accurately based on the proposed project description. It is my interpretation that the project is consistent with the 2010 Monterey County General Plan. I understand that Monterey County may require project changes or some other permit/entitlement if the project is found to be inconsistent with any General Plan policy.

Signature:  Date: 7.31.23

Print Name: Rene Peinado

It is unlawful to alter the substance of any official form or document of Monterey County. DA Request Form Inland Only Rev. 07/17/17

1. July 2023 - Application submitted with no affordable unit.
2. December 5, 2024 - Applicant informed Staff that the project was subject to "Builder's Remedy".
3. December 10, 2024 - Staff refuted claims that the project was affordable and requested revised project materials if the applicant intended to revise the project scope.
4. December 11, 2024 - Applicant informed the Planning Commission they withheld the affordability component.
5. January 2, 2025 - The appeal claims the application has always been affordable and subject to Builder's Remedy.
6. April 11, 2025 - Applicant claims the project is subject to Builder's Remedy but is not required to provide an affordable unit.

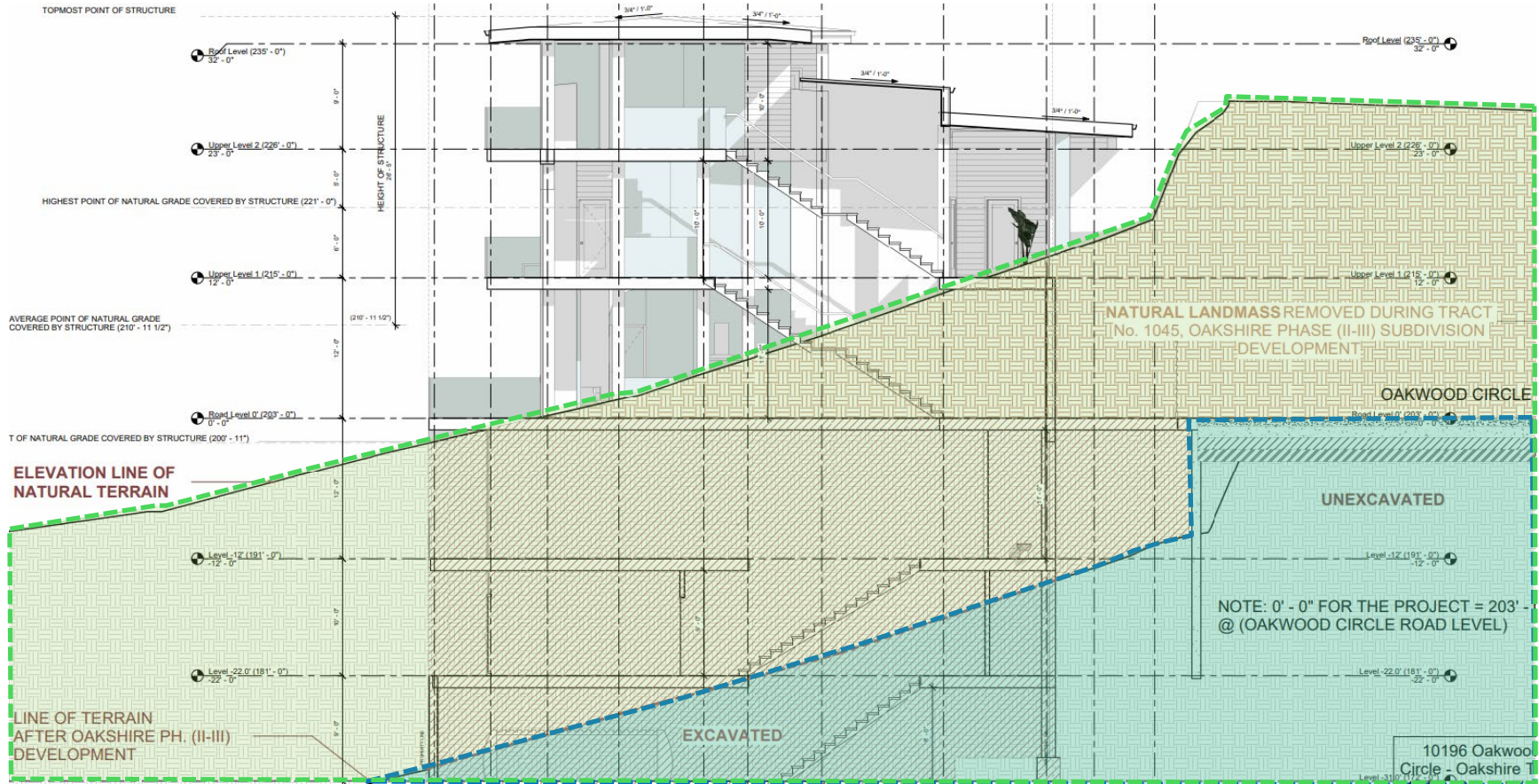


# Appeal Responses

1. Planning Commission properly determined that the project was not subject to Builder's Remedy and retained full discretion to deny the project based on inconsistencies with County Code.
2. Applicant has not clearly requested a revision to the project scope.
3. Inconsistencies with County Code were provided to the Applicant in advance of deeming it complete.
4. Mutual agreement with hearing dates is not required. County staff communicated hearing dates and complied with applicable noticing requirements.



# Average Natural Grade



# Design Review & Neighborhood Compatibility



Proposed project visual rendering



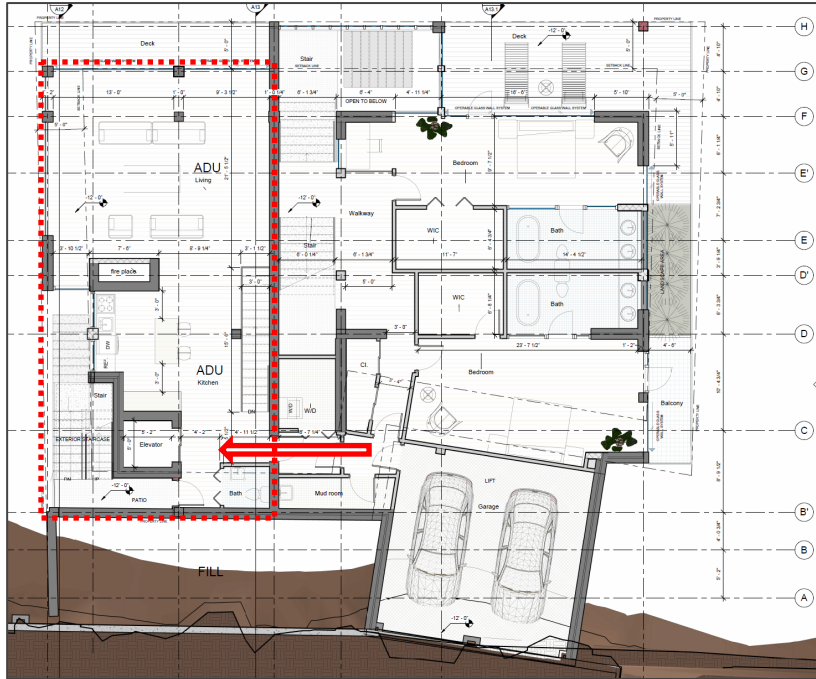
Residences within Oakshire Subdivision

Inconsistent with CVMP Policy CV-1.2, CVRSP Design Criteria, and Chapter 21.44.

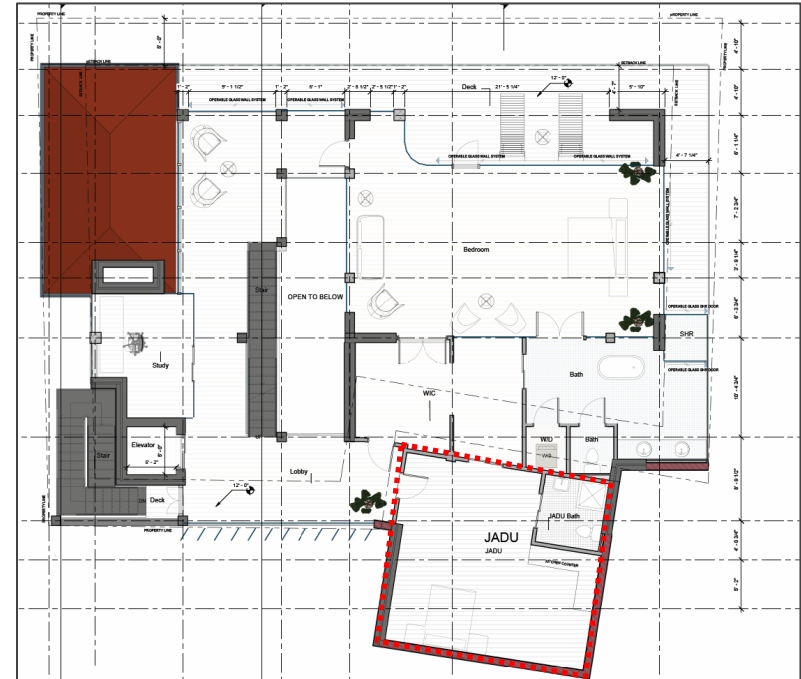
	Single-family dwelling size (excludes garage)	Dwelling unit size to lot size ratio
Oakshire Subdivision Average	3,427 square feet	0.9 : 1
Proposed Project	15,076 square feet	4.27 : 1



# Accessory Dwelling Units

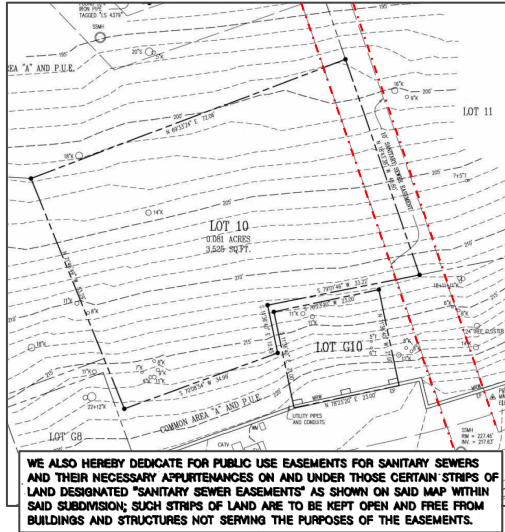


- ADU exceeds allowable 1,200 square feet.
- Has internal access with the main residence.

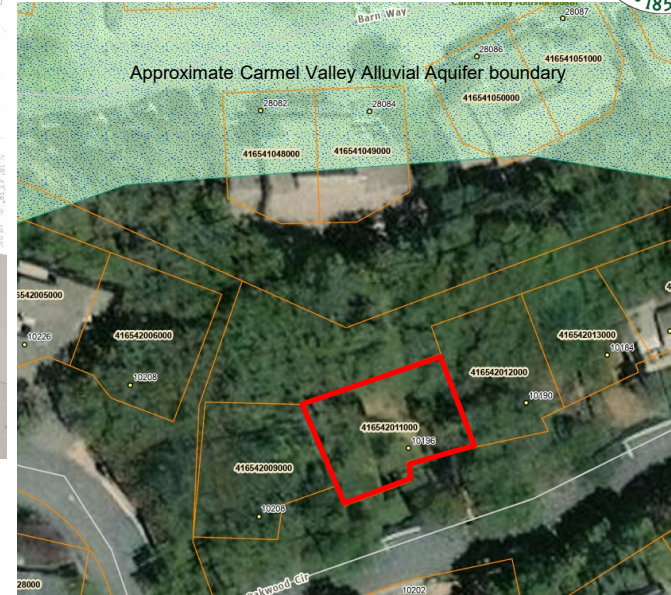
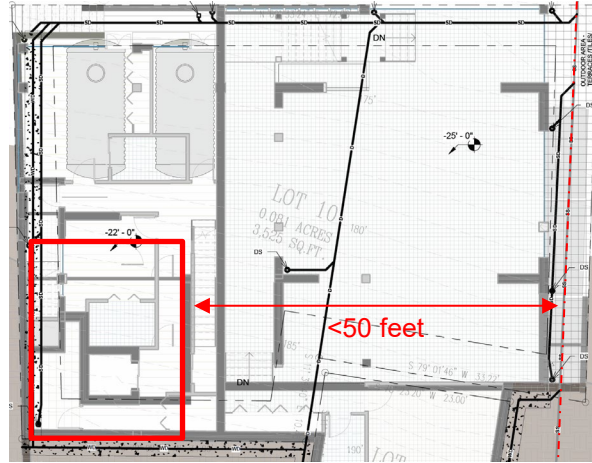


- JADU does not include separate external access.

# Utilities

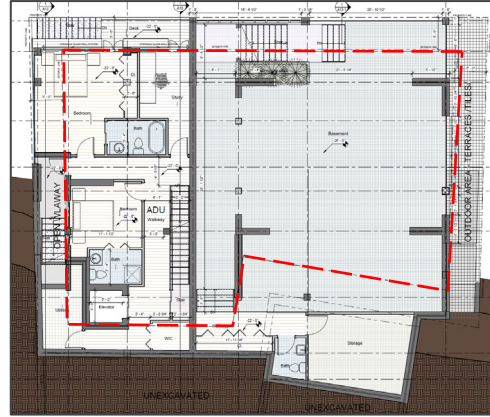


Excerpt from C&T Map Vol. 16, Page 8. Sewer easement highlighted in red.



- Conflicts with Sanitary Sewer Easement have not been resolved.
- Proposed development exceeds water entitlement.
- The proposed well boundary is within 50 feet of sewer infrastructure.
- No evidence of long-term water supply.

# Other project Issues



- Does not minimize tree removal;
- Does not comply with required setbacks.
- Does not minimize development on steeper slopes.
- Does not better achieve the resource protection policies of the CVMP and General Plan.



# LUAC

On June 17, 2024, the Carmel Valley LUAC unanimously voted to not support the project as proposed.

# Public Comment

- Setbacks
- Size and circulation of the ADU.
- Public and private views.
- Neighborhood compatibility.
- Development on slopes in excess of 25%.
- Erosion and drainage control.
- Parking requirements.
- Object to the proposed height, colors materials, and size of the residence.
- Slope stability and neighborhood safety.
- Tree removal.
- Property values.



# Recommendation

1. If the Appellant desires to revise the application, Staff recommends the Board of Supervisors reject the appeal and remand the item to the Planning Commission, following submittal of necessary information; or
2. If the Appellant does not wish to provide additional information, Staff recommends the Board of Supervisors continue the item to a date uncertain and direct staff to return with a draft resolution considering the appeal and the original scope of work.